

1 DAVID C. WEISS
2 Special Counsel
3 LEO J. WISE
4 Principal Senior Assistant Special Counsel
5 DEREK E. HINES
6 Senior Assistant Special Counsel
7 SEAN F. MULRYNE
8 CHRISTOPHER M. RIGALI
9 Assistant Special Counsels
10 950 Pennsylvania Avenue NW, Room B-200
11 Washington, D.C. 20530
12 Telephone: (771) 217-6090
13 E-mail: LJW@usdoj.gov, DEH@usdoj.gov
14 E-mail: SFM@usdoj.gov; CMR@usdoj.gov
15 Attorneys for the United States

16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,

21 No. CR 2:24-cr-00091-ODW

22 Plaintiff,

23 **DECLARATION OF LEO J. WISE IN**
SUPPORT OF GOVERNMENT'S
FOURTH MOTION IN LIMINE TO
EXCLUDE ALLEGED DEFECTS IN
THE PROSECUTION

24 v.

25 ALEXANDER SMIRNOV,

26 Defendant.

27

28

DECLARATION OF LEO J. WISE

I, Leo J. Wise, declare as follows:

1. I am an attorney of record for the United States in the above-captioned case. I have personal knowledge of the matters contained in this declaration and, if called as a witness to testify, I would competently testify to them. This declaration is offered in support of the government's Fourth Motion in Limine to Exclude Alleged Defects in the Prosecution.
2. The defendant opposes the motion, suggesting that he intends to improperly introduce evidence, argument, or questioning that suggests or otherwise implies that the prosecution is politically motivated, that the government is selectively or vindictively prosecuting him, that government agents or prosecutors engaged in outrageous government misconduct, that the prosecution of him is unlawful for any reason, that the prosecution is costly or inappropriately funded, or that the prosecutors or agents are conflicted.
3. On Friday, October 25, 2024, my office emailed a letter to counsel for the defendant regarding the subject of the government's proposed motions in limine, including the Fourth Motion in Limine. On Monday, October 28, 2024, defendant's counsel emailed his response, opposing the motion and therefore refusing to stipulate that he will not make "arguments or [mention] anything that purports to be evidence that charges are politically motivated or that the Special Counsel's appointment is inappropriate or unlawful" in the presence of the jury unless and until the Court so rules.
4. The government will suffer prejudice if its Fourth Motion in Limine is denied, and the defendant is permitted to introduce evidence of political motivation or unlawful prosecution because such evidence is irrelevant under Federal Rule of Evidence 401, inadmissible under Federal Rule of Evidence 402, and would mislead the jury and waste the jury's time under Federal Rule of Evidence 403.

1 Executed on this 1st day of November, 2024 in Baltimore, MD.
2 
3 Leo J. Wise
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28